

## **REMARKS**

### **I. Introduction**

Upon entry of the present amendment, claims 1, 3, 5-7, 9-12 and 22 will be pending in the present application. By the present amendment, claims 1, 3, 5-7, 9-12 and 22 have been amended, claims 13-21 have been cancelled, and new claim 22 has been added. No new matter has been added herein by the present amendment.

In view of the foregoing amendments and the following remarks, Applicant respectfully submits that the claims are now in condition for allowance. Applicant points out that the amendments made herein are made without prejudice to the future prosecution of such cancelled, amended or modified subject matter in a related divisional, continuation or continuation-in-part application.

### **II. Rejection Of Claims Under 35 U.S.C. §102(b)**

Claims 1, 3, 5-7 and 9-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,242,406 to Katsuda et al. ("Katsuda") or by U.S. Patent No. 5,853,430 to Shindo et al. ("Shindo") for the reasons set forth on pages 2-3 of the Office Action. Applicant respectfully submits that these rejections should be withdrawn for at least the following reasons.

Claim 1, as amended, is directed to a method to modify hydraulically setting systems, the method comprising adding a specifically recited additive to the hydraulically setting systems.

Katsuda discloses a detergent composition comprising a select amount of a cellulose derivative and a specific surfactant (see Katsuda, col. 10, lines 55-58). The cellulose derivative is added in an amount from about 0.001% to about 10% by weight of the detergent composition (see Katsuda, col. 87, lines 58-59). The surfactant has the formula  $A^b\text{-X-B}$ , wherein B is a hydrophilic moiety, which can also be polyalkoxylated carboxylates (see Katsuda, col. 87, lines 17-20 and 38-44).

However, Katsuda does not disclose hydraulically setting systems, nor does it disclose a method to modify hydraulically setting systems by adding an additive comprising a cellulose ether and a modified polycarboxylate. Additionally, Katsuda does not mention a special effect, such as a synergistic effect arising from the combination of a cellulose derivative and a polyalkoxylated carboxylate.

Shindo is directed to a method of predissolving a detergent composition (see Shindo, claim 1). According to Shindo, the detergent composition may contain a polymeric soil release agent, which can include cellulosic derivatives such as methyl cellulose ethers (see Shindo, col. 29, line 39 to col. 30, line 23), as well as alkoxylated polycarboxylates (see Shindo, col. 14, lines 17-30).

However, Shindo does not disclose hydraulically setting systems, nor does it disclose a method to modify hydraulically setting systems by adding an additive comprising a cellulose ether and a modified polycarboxylate. Additionally, Shindo does not mention a special effect, such as a synergistic effect arising from the combination of a cellulose derivative and a polycarboxylate.

Therefore, neither Katsuda nor Shindo disclose the presently claimed invention, and the present claims are thus not anticipated by Katsuda or Shindo.

Accordingly, it is respectfully requested that the rejection of the claims over Katsuda or Shindo under 35 U.S.C. § 102(b) be withdrawn.

**III. Rejection of Claims Under 35 U.S.C. § 103**

Claims 1, 3, 5-7 and 9-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative under 35 U.S.C. § 103 as being unpatentable over WO 00/42144 to Baba et al. ("Baba") for the reasons set forth on pages 3-4 of the Office Action. Applicant respectfully submits that these rejections should be withdrawn for at least the following reasons.

As described above, claim 1, as amended, is directed to a method to modify hydraulically setting systems, the method comprising adding a specifically recited additive to the hydraulically setting systems.

Baba discloses a laundry detergent composition comprising an anionically modified cellulose and a cationic metal ion (see Baba, abstract). Baba discloses that the cellulose ether is added to the composition in an amount of about 0.1% to about 20% by weight (see Baba, page 45, claim 5(c)). According to Baba, the composition may also contain alkoxylated polycarboxylates in amounts from about 0.05% to about 10% by weight (see Baba, page 34, line 32 to page 35, line 7).

However, Baba does not disclose hydraulically setting systems, nor does it disclose a method to modify hydraulically setting systems by adding an additive comprising a cellulose ether and a modified polycarboxylate. In particular, cellulose ethers having a viscosity of at least 20,000 mPas, measured as a 2% aqueous solution, are not mentioned at all in Baba. Therefore, one of ordinary skill

in the art when considering the Baba disclosure would not in any way be motivated to select a specific cellulose ether having a viscosity of at least 20,000 mPas, measured as a 2% aqueous solution, and combine it with a modified polycarboxylate, which is one of many other possible additives, and use this combination in a very different application, namely, hydraulically setting systems.

Therefore, Baba does not disclose nor suggest the presently claimed invention, and the present claims are thus not anticipated by nor rendered obvious over Baba. Accordingly, it is respectfully requested that the rejection of the claims based on Baba be withdrawn.

#### **IV. Conclusion**

In view of the preceding amendment and remarks, it is respectfully submitted that the application is in condition for allowance and prompt consideration is respectfully requested.

Respectfully submitted,  
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